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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,004	02/10/2004	David paul Yach	1578.106 (11428-US-PAT)	9095
44298	7590	05/06/2010	EXAMINER	
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Kelly-Krause				
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DALLAS, TX 75225				
			ART UNIT	PAPER NUMBER
			2167	
			NOTIFICATION DATE	DELIVERY MODE
			05/06/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/776,004

Applicant(s)

YACH ET AL.

Examiner

ROBERT TIMBLIN

Art Unit

2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 April 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit 2167

/ROBERT TIMBLIN/
Examiner, Art Unit 2167

Applicant presents arguments in the After-Final response dated 4/26/2010. Those arguments have been found unpersuasive given the following:

On page 3 of the arguments, Applicants assert that they have claimed in claim 1 that the circuitry be configured to:

"generate first and second hashes". Examiner submits Livschitz teaches this by 1) Fig. 2 discloses forming a hash (indicated by 10 and 12) on the whole dataset A (e.g. a mobile copy database) to form signatures 18 and 20. 2) In a subsequent recursive process (Livschitz, col. 6 lines 41-43), Livschitz again performs a hash on data set A - only this time, hashing a subset of A (see Fig. 3 - non shaded top portion).

"the first hash being formed over at least a first part of the mobile copy database..." Examiner submits Livschitz teaches this in Fig. 2 wherein data set A is hashed to provide signatures A11, A12).

"...the second hash being formed by the circuitry over a sub-part of the first part of the mobile copy database..." Examiner submits Livschitz teaches this in Fig. 3 wherein a subset (i.e. "sub-part") of data set A is hashed to produce A21 and A22).

Applicant further argues on page 4 of the arguments that Livschitz does not teach performing the second hash upon finding there is a mismatch between the mobile-copy and the network-copy first hash. Examiner disagrees and submits that Livschitz teaches performing a second hash (e.g. via the recursive process) when compared signatures are not identical. See for example, Livschitz, col. 6 line 67-col. 7 line 1 stating "...and the recursive process is again applied to data blocks corresponding to paired signatures that are not identical." Thus, Livschitz compares signatures from sets A and B (i.e. mobile and network copies, respectively) and when they are determined not to be identical, the process recursively hashes (i.e. a second hash) again. Therefore, Livschitz teaches a condition (i.e. not identical) on which a second hash is performed.

In light of the above, Applicant's arguments are respectively found unpersuasive and accordingly, the Final rejection is maintain